REMARKS

Applicant has carefully reviewed the Office Action dated October 21, 2004. Claims 1-20 are pending in this application. Reconsideration and favorable action is respectfully requested.

Claims 1, 6-8, 10-11, 16-18 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Perlman et al.* in view of *Coyle*. This rejection is respectfully traversed.

The Examiner is rejecting independent Claim 1 primarily in view of *Perlman*, which the Examiner referred to as USPN 5,898,80- and indicated it as being published on April 27, 1999. However, the citation by the Examiner in form PTO-892 was for U.S. Patent No. 5,862,220. Applicant believes that this is correct and it utilizing this patent as the patent for the purposes of this rejection.

The Examiner sets forth that the *Perlman* system discloses all aspects of the invention with the exception of the step of permitting or denying access. The Examiner sets forth that the server is operable to receive a request for resources from a client system. The Examiner is specifically referring to Col. 10, lines 7-14. In this portion of the specification, *Perlman* sets forth that the client "opens" a connection with the server through a point of presence node using a client encryption key to establish a secure connection. There is no disclosure set forth in this particular portion that the client requests any services or any resources from the server. All that is requested is a connection.

The Examiner has set forth that *Perlman* also discloses determining a network address of the client system, referring specifically to Col. 6, lines 43-48 and Col. 7, lines 2-12. In Col. 7, lines 2-12. In this section, the private server is disclosed as having the ability to "determine the network address from which a client is communicating." In this disclosure, it is set forth as an example that the telephone network provides the server with the ability to determine the telephone number from which the client is calling. Applicant notes that any telephone system is a function of the associated

central office switch and how the switch indicates to a recipient of a telephone call the location of that caller. All that is provided is a phone number. It is then necessary to somehow have a database that correlates phone numbers with geographic locations. In general, since all switching systems are central office switching systems, a telephone number is not an indicator of geographic location but only of a potential geographic location. In Col. 6, lines 43-48, *Perlman* sets forth that there is provided network address storage area for storage of a network address at which a particular client is currently located. This is merely a location to store a network address as opposed to determining what the in network address is of a particular client.

The Examiner has indicated that geographic location is capable of being determined by *Perlman*. The Examiner has specifically referred to Col. 9, lines 11-20 and Col. 10, lines 15-22. In Col. 9, lines 11-20, the server is set forth as being able to determine which point of presence (POP) nodes are local to a particular block of client network addresses. As such, a particular client network address can be zeroed in on to some extent. This does not necessarily determine the exact location of the client, but rather, the location of the client's POP server. However, this is for the purpose of determining what type of services are forwarded to a particular point of presence node as opposed to a particular client. The reason for this is that the *general* location of the client is all that is required for the purposes of providing services thereto. There is no disclosure in *Perlman* that is in any way concerned with the exact location of the client or the client's computer system. *Perlman* is concerned primarily with the type of services that are provided in the general locale of a particular client that has made a connection thereto. It is also noted that whenever the connection is made, it is the connection that will determine the services such that the same resources are always accessible. It is just the way in which the services are delivered. However, the services will always be delivered in some manner. With respect to Col. 10, lines 15-22, there is set forth an authentication procedure wherein a client is authenticated, this client sending a connection request. It is set forth that "the client box identifier and a client network address received from the client can be used by Web TV server 620 to authenticate the client 610." However, there is no disclosure set forth that the geographic location in any way is utilized for the authentication process. Therefore, the location of the requesting client system is not important to *Perlman*; rather, all that is important

to *Perlman* is authenticating the user for the purpose of sending information to that user or client and then any geographical location information is merely utilized for determining what type of delivery services will be utilized *after* access has been granted. The type of delivery service that is provided has no bearing on the authentication process since it occurs *after* the authentication process. Once a user is authenticated, then the services are provided. There is no disclosure whatsoever in *Perlman* that sets forth that geographic location is utilized for the authentication process.

The Examiner is relying on the *Coyle* reference to explicitly explain permitting or denying access to the server resource according to the geographic location. All that *Coyle* discloses is that provision of services can be based upon the geographic location of a user ID. There is no disclosure how this user ID is distributed; rather, all that is set forth is that the user ID is an online ID that includes information about where an "individual" lives and how old an individual is. Thus, Applicant believes that there is no motivation to combine the teachings of *Coyle* with *Perlman*. The ID that *Perlman* would utilize which may include a unique identifier such as the "client box identifier" (set forth in Col. 10, line 21), is used primarily for the purpose of authentication. There is no disclosure as to utilizing the geographic location associated with that box identifier for the purpose of authentication. Further, there is no disclosure in *Perlman* that geographic location associated with a network address would be utilized for authentication or would be desirable for such. As such, *Perlman* teaches away from utilizing the geographic location of a user for the purpose of delivering the services; rather, *Perlman* is concerned primarily with authenticating any user wherever that user is and then utilizing the network address and the geographic location for determining how the services are delivered.

Therefore, Applicant believes that neither *Perlman* nor *Coyle*, taken singularly or in combination, render Applicant's present inventive concept, as defined by Claims 1, 6-8, 10-11, 16-18 and 20 obvious or unpatentable. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection with respect to Claims 1, 6-8, 10-11, 16-18 and 20.

Claims 2 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Perlman* in view of *Coyle* and further in view of *CableModemInfo.com*. This rejection is respectfully traversed.

With respect to the arguments described hereinabove and the fact that Claims 2 and 12 are dependent upon the discussed claims, the addition of the *CableModemInfo.com* reference does not cure the deficiencies noted hereinabove with respect to the combination of *Coyle* and *Perlman*. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 2 and 12.

Claims 3 and 13 stand rejected under 35 U.S.C. § 103(a) as bing unpatentable over the combination of *Perlman* and *Coyle* and *CableModemInfo.com* and further in view of *Padmanabhan, et al.* This rejection is respectfully traversed.

For the reasons described hereinabove with respect to the rejection of the independent claims from which Claims 3 and 13 depend, Applicant argues that the addition of the *Padmanabhan, et al.* reference does not cure the deficiencies noted with respect to the combination of *Perlman, Coyle* and *CableModemInfo.com*. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection with respect to Claims 3 and 13.

Claims 4 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Perlman, Coyle* and *CableModemInfo.com,* and further in view of the combination of *Padmanabhan et al.* and *Alcorn et al.* therewith. This rejection is respectfully traversed.

For the reasons described hereinabove with respect to the combination of *Perlman, Coyle, CableModemInfo.com* and *Padmanabhan et al.*, the addition of the *Alcorn et al.* reference does not cure the deficiencies noted hereinabove with respect to the independent claims from which Claims 4 and 14 depend. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection with respect to Claims 4 and 14.

Claims 1, 4, 7, 8, 11, 14, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Beadle et al.* This rejection is respectfully traversed with respect to the amended claims.

The *Beadle et al.* reference is associated with the use of a "Smart Badge" or "Smart Card." This is basically a tag that will identify a user to a network system. The system is set up such that is not required for the actual Smart Badge to send any location information associated therewith. The reason for this is that these type of badges have very limited distance over which they can work. Thus, the location of the receiver is what is important. Each receiver in systems of this nature will have some type of address or device ID that, when connecting the main system, will indicate to the main system the location of that particular device, but actual physical location, i.e., that kind associated with geographic location, is not relevant in a network environment. The only thing a network requires is knowledge of the network address so communication can occur so information can be received therefrom and transmitted thereto. Sometimes the actual geographical location of a network node may be important, but there is no indication that geographical location is important to the application set forth in *Beadle et al.* The system does not really concern itself with the geographical location of a user for the purpose of providing services but, rather, merely for providing the services to a user at the location of the network node such as for the operation of door closing/opening. This application described on page 10, fourth paragraph, sets forth that all that is required for the system is to know the ID of the badge which is forwarded to the system by the door transceiver (network node). The server merely has information that a door agent process running on the service knows that the individual is co-located with the door, but this is not the geographical location of the individual. It then determines whether the person is allowed to go through that particular door. There is no reason to know where the specific geographic location of the door is but, rather, merely that the door is a device and it is the fact that the user is proximate to the network node that triggers an associated device dependant (network node dependant) process to then run on the server. There is no disclosure or suggestion that any type of access to a server would be provided by knowing the location of the requesting device, i.e., the badge. It already knows that since it received the signal, i.e., it transmits, therefore it exists at that location. Thus, the reception

of the signal is what determines location, not any information associated with the address. The Examiner has referred to the *Sharp* article as providing an indication that an address can be provided in a badge protocol. However, this is of no significance, since there is no reason to ever utilize location information associated with that address in order to deny or allow access to any resource on the server, i.e., the door opening. That location is known inherently from the fact that data was transmitted to the transceiver. Thus, neither the *Beadle et al.* reference nor the *Sharp* reference, taken singularly or in combination, anticipate or render obvious Applicant's present inventive concept, as defined by the amended Claims 1, 4, 7, 8, 11, 14, 17 and 18 and, therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection with respect thereto.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/ATMD-26,278 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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